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ATTORNEY DOCKET NO.: 2003946-0230 (LIFT/US)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gallagher, *et al.*
U.S. Serial No: Not yet assigned
Filed: March 21, 2006
From Int. Appl. No.: PCT/US2004/031076
Intl Filing Date: September 22, 2004
Priority: 60/505,354, filed September 23, 2003
Title: LAULIMALIDE ANALOGS AND USES THEREOF

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Signature
Mary Wilson
Printed Name

STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

☒ An *original* Information Disclosure Statement; or

☐ A *supplemental* Information Disclosure Statement.

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:

☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

- ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
 - ☒ Before the mailing of a first Office action on the merits; or
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
- ☐ Certifies that *either*:
 - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; or

- ☐ Includes herewith the fee set forth in § 1.17(p),
- ☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:
- ☐ Certifies that *either*:
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; and
- ☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with an asterisk is included;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

| Serial Number | Filing Date | Status |
|---------------|-------------|--------|
| | | |

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☒ Does not contain non-English language citations;
- ☐ Includes one or more translations of a non-English citation; or
- ☐ Does contain non-English language citations, of which the following is a concise explanation:

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an

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admission that the information cited in the statement is, or is considered to be, material to
patentability as defined in § 1.56(b) .

IAP20 Rec'd PTO 21 MAR 2006

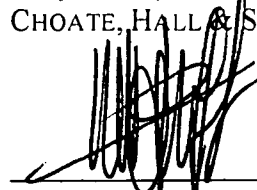
The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC § 102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,
CHOATE, HALL & STEWART LLP



Nadège M. Lagneau, Ph.D.
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Dated: March 21, 2006

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Form PTO-1449

(REV. 8-83)

U.S. Department of
Commerce
Patent and Trademark
Office

Atty. Docket:

2003946-0230
(LIFT/US)In re Application No.
Not yet assigned

10/572870

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant: Gallagher, et al.

Filing Date:

March 21, 2006

Group:

Not yet assigned

AP20 RESPTG PTO 21 MAR 2006

U.S. PATENT DOCUMENTS

| Examiner's Initials | U.S. Patent No. | Applicant | Issue Date | Class | Subclass |
|------------------------|--------------------|------------------|--------------------|-------|----------|
| /N.C./ | 1. 2002/0128471 A1 | Ashley, et al. | September 12, 2002 | 540 | 456 |
| /N.C./ | 2. 2002/0198256 A1 | Mooberry, et al. | December 26, 2002 | 514 | 450 |
| /N.C./ | 3. 6,414,015 B1 | Mooberry, et al. | July 2, 2002 | 514 | 455 |

U.S. PATENT APPLICATIONS

| Examiner's Initials: | Serial Number: | Applicant: | Filing Date: | Group: | Art Unit: |
|-------------------------|----------------|------------|--------------|--------|-----------|
| | | | | | |

FOREIGN PATENT DOCUMENTS

| Examiner's Initials | Document No. | Country | Date | Translation | |
|------------------------|-------------------|---------|--------------------|-------------|----|
| | | | | Yes | No |
| /N.C./ | 4. EP 1295886 A1 | EP | March 26, 2003 | | |
| /N.C./ | WO 97/10242 | PCT | March 20, 1997 | | |
| /N.C./ | 6. WO 01/54689 A1 | PCT | August 2, 2001 | | |
| /N.C./ | WO 02/064589 A1 | PCT | August 22, 2002 | | |
| /N.C./ | 8. WO03/076445 A2 | PCT | September 18, 2003 | | |

OTHER DOCUMENTS

| Examiner's Initials | Citation (Including Author, Title, Date, Pertinent Pages, Etc.) |
|----------------------------------|---|
| /N.C./ | |
| /Nizal Chandrakumar/ EXAMINER | DATE CONSIDERED 04/11/2009 |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.